

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ANDERSON CALDWELL

VS.

UNION PACIFIC RAILROAD

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**CIVIL NO. 2:06cv502
JURY**

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ANDERSON CALDWELL, Plaintiff in the above entitled and numbered cause, moves the Court to dismiss this cause with prejudice for the reason that all matters of fact and things in controversy have been fully and finally compromised and settled by and between the parties hereto.

WHEREFORE, Plaintiff requests that the Court enter its order dismissing said cause with prejudice to the rights of Plaintiff to re-file same or any part thereof, and that all costs of Court be taxed against the party incurring same.

Respectfully submitted,

_____/s/_____
WILLIAM S. HOMMEL, JR.
State Bar No. 09934250
WILLIAM S. HOMMEL, JR., P.C.
1402 Rice Road, Suite 200
Tyler, Texas 75703
903/596-7100
903/596-7464 Facsimile

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above and foregoing instrument has been served on all counsel of record in accordance with the Rules of Civil Procedure on this 28th day of December, 2007.

_____/s/_____
WILLIAM S. HOMMEL, JR.